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CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lucas Gordon Attorney Docket No: LODE0002
Serial No: 10/032,211 Group Art Unit: 3762
Filed: December 21, 2001 Examiner: Deak, Leslie R.
Title: MAGNETIC EXTRACORPOREAL CIRCUIT FOR REMOVAL OF MEDICAL AGENTS

ELECTION TRANSMITTAL LETTER

Bellevue, Washington 98004

April 19, 2004

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APR 30 2004

TO THE COMMISSIONER FOR PATENTS:

TECHNOLOGY CENTER R3700

Transmitted herewith is an election in response to restriction requirement in the above-identified patent application. No additional claim fee is required, as shown below. Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940. A copy of this sheet is enclosed.

<u>Computation of Fee For Claims as Amended</u>					
	<u>Claims Remaining after Amendment</u>	<u>Highest Number Previously Paid For</u>	<u>Present Extra</u>	<u>Rate</u>	<u>Additional Fee</u>
Total Claims	73	73	-0-	x \$9	\$-0-
Independent Claims	12	12	-0-	x \$43	-0-
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$-0-

Respectfully submitted,

Ron Anderson

Ronald M. Anderson
Registration No. 28,829

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2004.

Date: April 19, 2004

Kathy Pauri



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Title: MAGNETIC EXTRACORPOREAL CIRCUIT FOR REMOVAL OF MEDICAL AGENTS

ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

Bellevue, Washington 98004

April 19, 2004

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following is in response to a Restriction in the above-identified patent application, dated March 19, 2004.

The Examiner asserts that a first invention is defined by Claims 1-54 (Group I) and is drawn to a method for filtering fluid from a patient's blood, classified in Class 604, subclass 5.01; a second invention is defined by Claims 55-65 (Group II) and is drawn to a system for filtering fluid from a patient's blood with magnetic fields, classified in Class 604, subclass 6.08; and a third invention is defined by Claims 66-73 (Group III) and is drawn to a system for filtering components from a fluid, classified in Class 210, subclass 651.

The Examiner further asserts that the process of Group I and the apparatus of Group II are related as a process and apparatus for its practice, but are distinct because the process can be practiced by hand with another substrate that is not magnetic. The Examiner further asserts that the apparatus of Group III is unrelated to the invention of Groups I and II, if they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. The Examiner states that the apparatus of Group III is a different invention because it "does not require patient fluid, nor does it have means for withdrawal and return of fluid from a patient." Applicant respectfully traverses this last statement, since the invention of Group III *is* disclosed as capable of use with the invention of Groups I and II. Although the claims of Group III are different in scope and recitation, it is clear from the specification that the Claims of Group III do define an invention that is capable of use with the inventions of Groups I and II. Accordingly, applicant asks

1 the Examiner to withdraw the three-way rejection and only restrict this application to the claims
2 currently identified in Groups I and II, by including the Claims of current Group III with the Claims
3 of Group II.

4 In addition, the Examiner has further noted that if Group I is elected, it will also be necessary
5 to elect one of six different species that are encompassed by the invention of Group I. The Examiner
6 has identified species A as defined by Claims 1-13; species B as defined by Claims 14-41; species C
7 as defined by Claim 42; species D as defined by Claims 43-52; species E as defined by Claim 53; and
8 species F as defined by Claim 54.

9 If Group II is elected, one of the five different species encompassed by the invention of
10 Group II must also be elected. The Examiner has identified species G as defined by Claim 55;
11 species H as defined by Claim 56; species I as defined by Claims 57-59; species J as defined by
12 Claim 60; and species K as defined by Claims 61-65.

13 If Group III is elected, there is only one species, species L, defined by Claims 66-73 and thus,
14 no election of a species need be made.

15 The Examiner has not indicated whether any independent claim is generic to all of the species
16 within Groups I or II.

17 ELECTION

18 Applicant hereby elects Group I, and species E (Claim 53), with the traverse noted above, in
19 regard to the Examiner's reasons for restricting Group III.

20 Respectfully submitted,

21 

22 Ronald M. Anderson
23 Registration No. 28,829

24 RMA:lrg

25 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
26 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
27 Alexandria, VA 22313-1450, on April 19, 2004.

28 Date: April 19, 2004

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